

Remarks

After careful consideration of the outstanding Office Action, this application is submitted for favorable consideration on the merits thereof.

The only issue requiring consideration is the Examiner's requirement that Applicant "elect a single invention to which the claims must be restricted."

The undersigned on behalf of Applicant respectfully traverses the requirement because the reasons upon which the requirement are based are unsupportive thereof, namely, "the metal container Group I claims lack technical features of expanding, cutting and seaming." Unmentioned by the Examiner is the fact that the Group II claims (claims 18 and 19) depend respectively from independent article claim 12 and method claim 19. Claims 18 and 19 are in fact "European" product-by-process claims and thus claims 18 and 19 are not "drawn to a method of forming a container" but are instead drawn to "A metal container" (claim 12) specified by each of the limitations of claim 12 and further limited by the steps of dependent claims 18 and 19. Quite simply, since claims 18 and 19 are product-by-process claims, they are not "drawn to a method of forming a container" and are not properly restricted from the product claims of Group I.

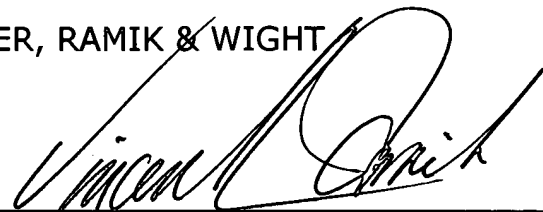
In view of the foregoing, the withdrawal of the restriction requirement is respectfully requested and upon reconsideration by the Examiner, the

joinder of claims 18 and 19 to the Group I "single invention" is respectfully requested. Upon rejoinder of the claims of record, favorable examination and allowance of claims 12 through 19 is respectfully requested.

Very respectfully,

DILLER, RAMIK & WIGHT

By:

A handwritten signature in black ink, appearing to read "Vincent L. Ramik", written over a horizontal line.

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